



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number	May 12-105 RZ/P
Case Type	Rezoning & Preliminary Plat
Project Name	Ferrell Estates

Applicant	Adam Ferrell 12104 N. Stark Ave. Kansas City, MO 64167
Owners	Robert & Sandra Ferrell (<i>property at 12318 N. Stark Ave.</i>) 203 N Ridge Ave Liberty, MO 64068-1427
Request	Rezoning from Agricultural (AG) to Residential Ranchette District (R-5) for ONLY proposed Lot 1 and 4; AND Preliminary Plat approval of <u>Ferrell Estates</u>

Application Submittal	2012-04-02
Public Notice Published	2012-04-12
Neighbor Letters Sent	2012-04-10
Report Date	2012-04-23

REPORT AUTHOR(S)	Debbie Viviano, Planner Matt Tapp, Director
Recommendation	APPROVAL with conditions



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General Information

Site Location: approx. 12104 & 12318 N Stark Ave

Section 15 | Township 52 | Range 32

Site Size: 57.64± Acres

Existing Landuse & Zoning: Agricultural (AG)

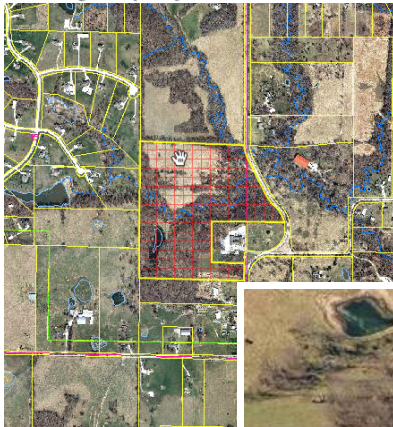
Zoning/Platting History: None

Surrounding Landuse & Zoning:

- North – Agricultural (AG) Zoned Land, Replat Millen Subdiv (R-1A), Millen Subv (AG), Providence Baptist Church (R-1 & AG)
- East – Agricultural (AG) Zoned Land
- South – Agricultural (AG) Zoned Land, City of Kansas City [1/4 mile]
- West – Ballybrook Estates (R-1A), Cornerstone Valley (R-1A)

Current Conditions:

Existing Property Lines = **YELLOW** | Subject Property = **Square Red Hatch**



Courtesy Clay County Assessor
GIS/Mapping

Courtesy Microsoft® Bing™





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Assessment

Robert (Bob) and Adam Ferrell are requesting **Rezoning** approval from Agricultural (AG) district to Residential Ranchette District (R-5) for ONLY proposed Lot 1 and 4, and **Preliminary Plat** approval for Ferrell Estates approximately 57.64± acres located at approximately 12104 and 12318 N Stark Avenue.

The property owners would like to divide the land to create two (2) new single-family dwelling lots (Lots 2 and 3).

2008 Comprehensive Plan Considerations

The Comprehensive Plan ("Plan") indicates that the subject property is located in the **URBAN SERVICES TIER**, as well as the 1-Mile Urban Coordination Sub-Tier. It is located on trail #C-17; a third priority shared-use trail as identified by the Northland Trails Vision Plan ("NTVP"). The Clay County Parks Department is not requesting a recreational easement at this location due to the curvature of N. Stark Avenue and the location of the Providence Baptist Church Cemetery.

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1st) table shows the land use tiers and corresponding guidelines, and the second (2nd) explains the exceptions to the 20-acre minimum lot size policy as directed by the Plan.

Table 4.2 - Land Use Planning Tiers - Presented on the Planning Tier Map			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier* (Green)	Urban Services Tier* (Salmon)
Intent	Support continued agricultural uses in areas beyond near- and long-term urban service extensions.	To accommodate low density rural uses in areas located beyond anticipated city annexation areas.	To promote urban development compatible with the long range growth plans of adjoining cities.
Primary Uses	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
Residential Uses	Rural Density: 1 dwelling unit per 20+ acres.	Rural Density: Rural Residential Density: low-density rural residential development: 1-dwelling unit per 20+ acres, or 1-farmstead dwelling on 5+ acres; Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre.	Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre. Urban Density: development on municipal-level services: greater than 4-units per acre. 20-acre minimum for agricultural and rural residential uses until such time as urban development occurs.
Non-Residential Uses	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
Minimum Sanitary Sewer Provisions	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	Municipal Wastewater Treatment Plant connection for Suburban Density or greater. ⁽³⁾
Zoning Districts	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density, such as on 3-acre lots).	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density such as on 3-acre lots).	Open Space & Parks; and residential districts through general industrial (not including Res. Low Density such as on 3-acre lots). AG, Agricultural zoning is appropriate until full range of urban services available.

⁽³⁾ On-site septic allowed for agricultural uses only.

* The Planning Tier Map notes a special designation of areas within one mile of each city: "1-Mile Urban Coordination Sub-Tier" where advise-and-consent should be solicited from the designated city. The applicant will be required to submit a letter from the city of jurisdiction concerning the proposal. The Clay County Planning and Zoning Commission may consider the letter as a non binding city recommendation for Clay County to consider in their deliberations.



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Table 4.3 – Option B for Land Use Tier Implementation: Transition Policy Procedures			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier (Green)	Urban Services Tier (Salmon)
Intent	Exceptions from 20-acre minimum lotsize in Ag-districts / phasing in of new regulations		
Density Exceptions for Legal Lots of Record as of the date of Revision of the Land Development Code	Subdivision of land to 5+acre lots, provided that 50% of the subdivided parcel is preserved, such as in an agriculture deed restriction.	Or, subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved.	Subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved, and—for plats within one mile of a city—the city's issues have been addressed.
Other Exceptions	Farmstead** dwellings allowed on 5+acre parcels.		City within one mile may review and recommend other exceptions granted in other tiers, provided a "shadow plat" at urban density is approved.

* The Natural Resources Tier includes an "Urban Services Transition Sub-Tier" area along M-92 and C-Highways that extends where urban development is influenced by the urban highway; yet remains within the Natural Resources Tier designation for purposes of enhanced environmental review and scrutiny.

** A "Farmstead Dwelling" is the original residence built and initially occupied by a farm family, regardless of whether the current household occupant is associated with farming.

The City of Kansas City is within the 1-Mile Urban Coordination Sub-Tier. They responded with an e-mail on April 24th and have no comments regarding the platting of the property. After reviewing the layout and design of the two 5+ acre lots (Lot 1 and 4), staff recommends that the "shadow plat" condition of the 1-Mile Coordination Sub-Tier inside the Urban Services Tier be waved due to impracticality. Typically a "shadow plat" works best on 10+ acre parcels of land, but the subject request involves 5+ acre lots. In addition, the subject request meets the fundamental spirit and jest of the Comprehensive Plan due to the approval letter from the City of KCMO.

Character of the General Neighborhood

Agricultural (AG) zoned property is in each direction of the property with the exception to the West, where the subdivision Ballybrook Estates (R-1A) rests. Providence Baptist Church, a major place of worship, lies directly to the north of the subject request [See Attachment B].

LDC Considerations

The rezoning application was properly noticed in the Kearney Courier on April 12, 2012. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter dated mailed on April 10, 2012. The petitioner should fully address the five (5) rezoning criteria in the Land Development Code (LDC) which requires the following standards be met with a rezoning application (*Section 151-3.3 F*):

1. Whether or not the proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition in the area;
2. Whether or not the proposed amendment is consistent with the *Comprehensive Plan* and the stated purpose and intent of Sec. 151-1.7;
3. Whether or not the proposed zoning district as a whole allows development that is compatible with existing uses and zoning of nearby property;
4. Whether or not the county and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development; and



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5. Whether or not the proposed amendment would result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, and natural resources.

Outside Agency Review

The Clay County Highway Department noted minor discrepancies in the submitted copies of the preliminary plat drawing. The surveyor, M&M Land Surveying, is currently working on incorporating the changes and will supply staff with corrected copies for the file. In addition, the Highway Department noted that "N Stark is an asphalt surface".

The Clay County Health Department has given preliminary and final approval. The Public Water Supply District No. 6 of Clay County presently provides water service for the property and is able to supply the additional meters. The Smithville Fire District serves the property. Future construction will need to comply with their fire protection codes. Any building plans shall be submitted and approved by the fire district before a building permit will be issued, and then prior to a Certificate of Occupancy being issued a letter of compliance is required from the fire district. Platte-Clay Electric presently serves the property and has the necessary facilities to serve the request.

The Corps of Engineers as of the writing of this report has not reviewed the plat.

The Clay County Soil and Water Conservation District has not inspected the existing pond structure as of April 24th, but did say that the structure is a government pond which was built in the year 2005 or 2006.

Findings

Due to the existence of a subdivision called Ferrell Estates, which is located to the north on N. Stark Ave. Staff is requesting that the name of the subdivision be changed.

A shared driveway agreement will need to be in place at the time of Final Plat recording. Emergency addressing (911 signage) should be in place when a new residence is built on Lot 2 or 3. Owners of the lots shall maintain both driveway and 911 signs.

Road Impact Fees (*RIF*) are not required for proposed Lot 1 and 4 as they occupy existing single family residences. However, RIF will be required for the 2 additional lots generated and must be paid prior to the recording of the final plat. The estimated amount of RIF is \$2,062.50 and is subject to change at the time of payment based on the market price of material.

Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Agricultural (AG) district to Residential Ranchette District (R-5) for ONLY proposed Lot 1 and 4 be **approved**, subject to the petitioner addressing all rezoning standards.

Staff recommends the **Preliminary Plat** of Ferrell Estates be **approved**, with the following conditions as shown on Exhibit A:

Exhibit A

1. Road Impact Fee (*RIF*) agreement recorded and fees paid for Lot 2 and 3 prior to the recording of the final plat.



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2. A shared driveway agreement will need to be in place at the time of Final Plat recording.
3. Emergency addressing (911 signage) should be in place when a new residence is built on Lot 2 or 3. Owners of the lots shall maintain both driveway and 911 signs.
4. Building plans shall be submitted and approved by the fire district before a building permit will be issued, and then prior to a Certificate of Occupancy being issued a letter of compliance is required from the fire district.
5. Clay County Soil and Water Conservation District inspection review of the existing pond structure before submittal of the final plat.
6. The following changes to the Preliminary Plat:
 - a. Correct alignment and right-of-way for N Stark Ave
 - b. Relocate 60' ingress/egress (I/E) for Lot 3 to traverse existing vehicle path across Lot 2.
 - c. Overview map more legible
 - d. Change to the name of the subdivision.



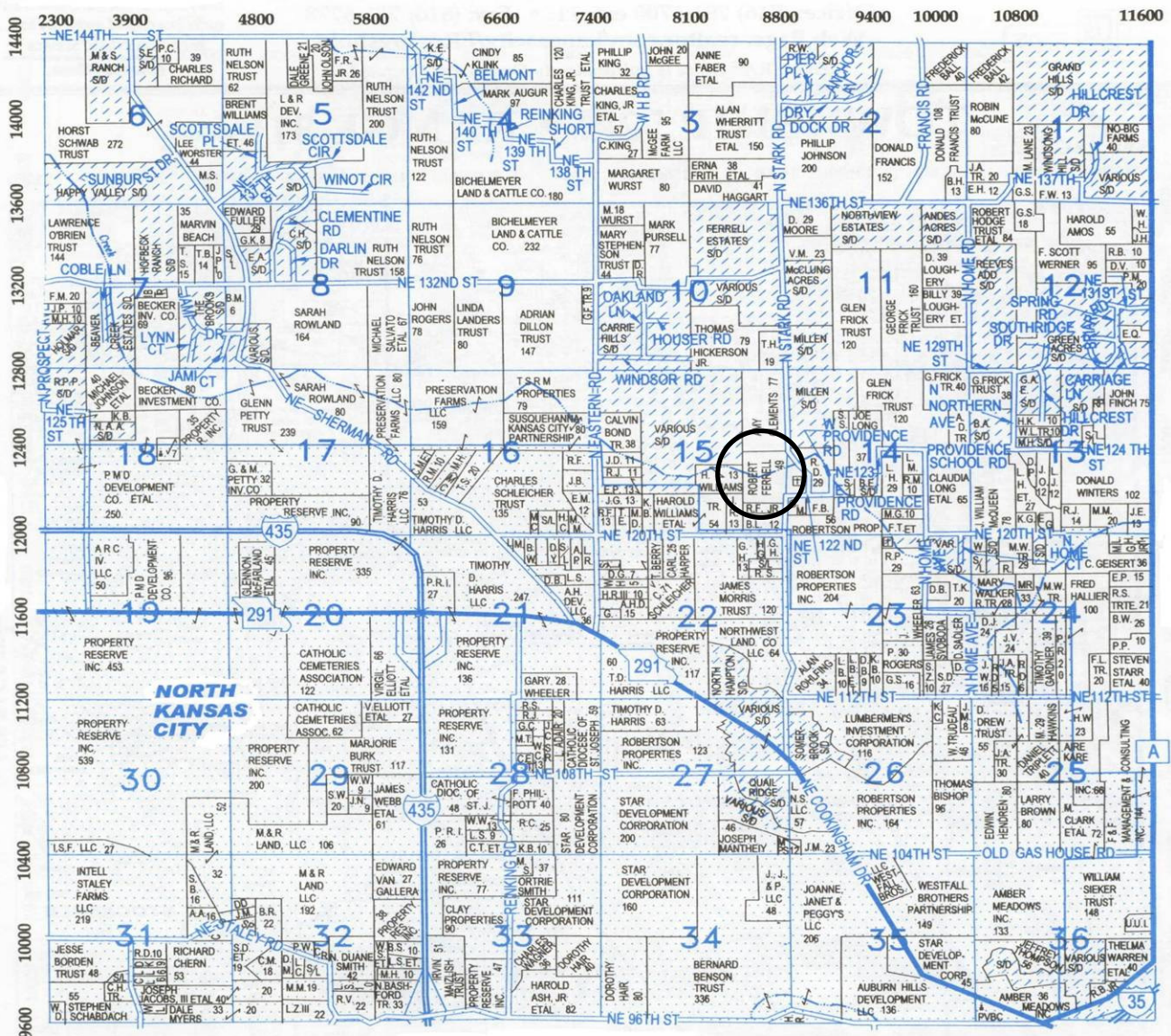
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Attachments

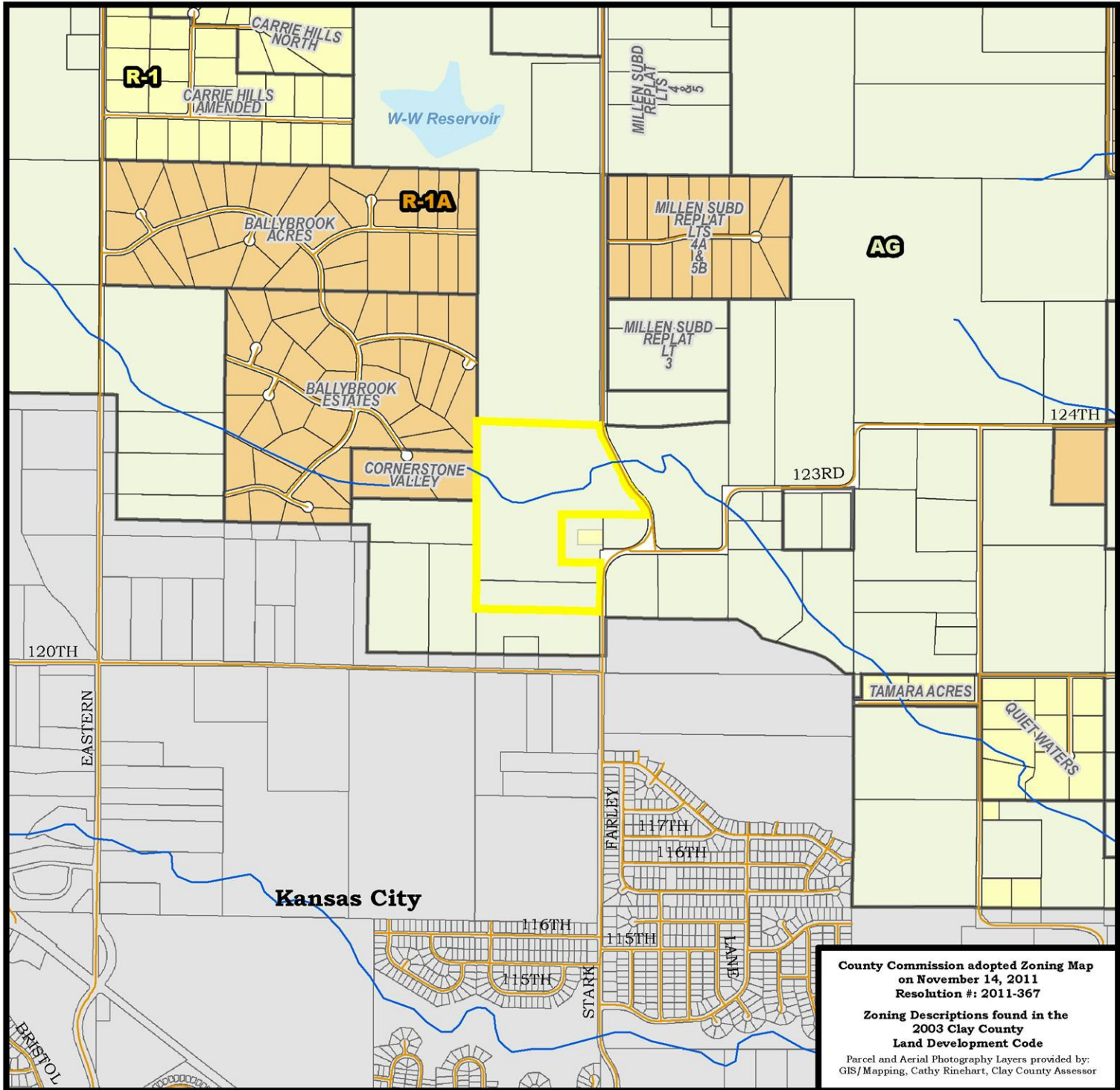
May 12-105 RZ/P – Ferrell Estates Attachment A – Vicinity Map

TOWNSHIP 52N • RANGE 32W



May 12-105RZ/P - Ferrell Estates

Attachment B - Existing Conditions Map



County Commission adopted Zoning Map
on November 14, 2011
Resolution #: 2011-367
Zoning Descriptions found in the
2003 Clay County
Land Development Code
Parcel and Aerial Photography Layers provided by:
GIS/Mapping, Cathy Rinehart, Clay County Assessor

Planning & Zoning Department



1 inch = 1,500 feet
1 inch = 0.28 miles

LEGEND

Property Line

parcel

Streams (EPA)

Railroads

Roads
CLASS

Interstates

State Highways

Local Roads

Highway Ramps

Overlay Districts
OVERLAY

CD (Conservation District)

PUD (Planned Unit Development)

Subdivisions

County Boundaries

2011 City Limits

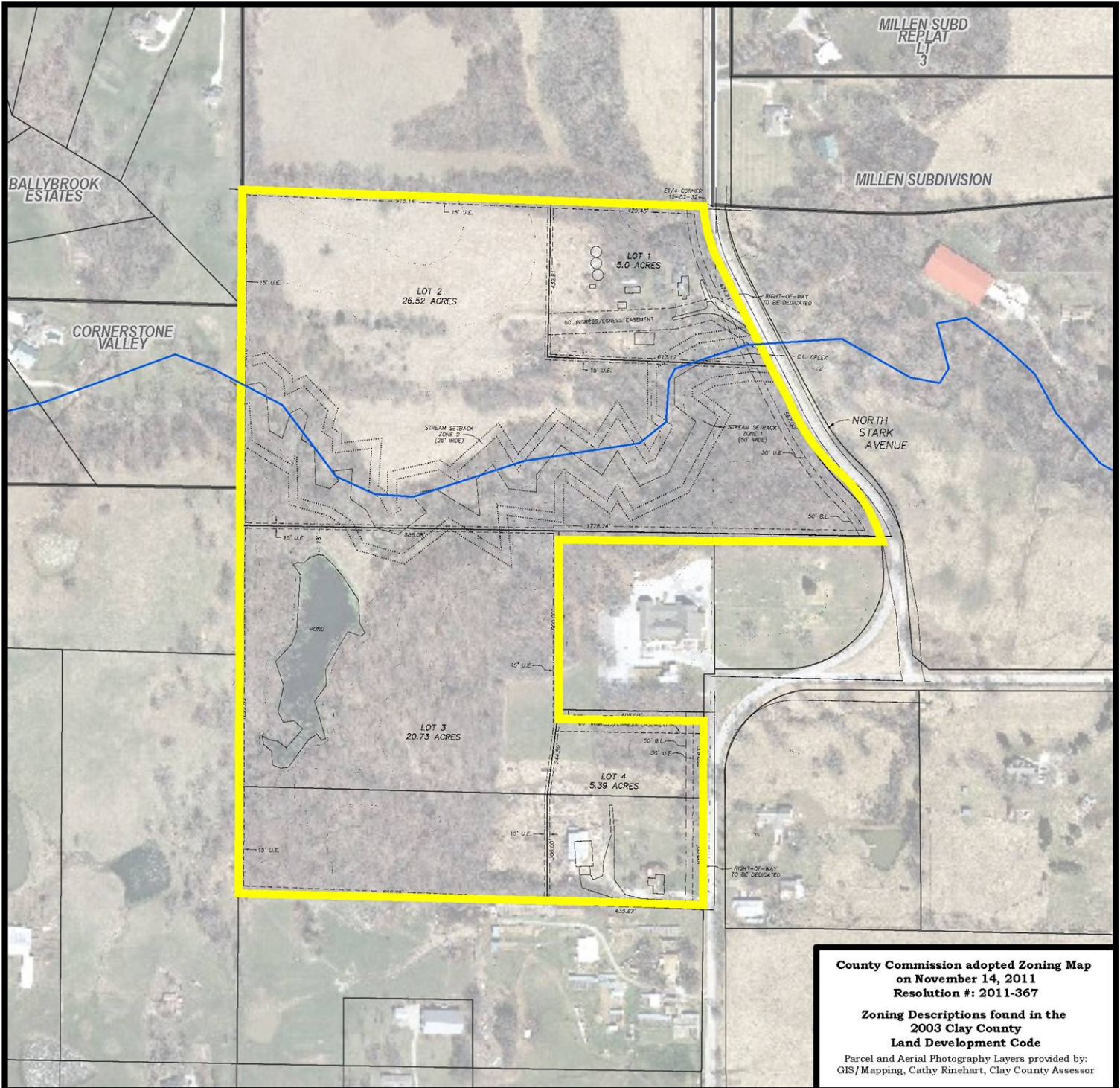
Parks

Zoning Districts

AG
R-1
R-1A
R-1B
R-3
C-1
C-2
C-3
I-1
I-2
OP

May 12-105RZ/P - Ferrell Estates

Attachment C - Site Plan Map



Planning & Zoning Department



1 inch = 400 feet
 1 inch = 0.08 miles

LEGEND

Property Line	Roads CLASS	Overlay Districts OVERLAY	Subdivisions
parcel	Interstates	CD (Conservation District)	County Boundaries
Streams (EPA)	State Highways	PUD (Planned Unit Development)	2011 City Limits
Railroads	Local Roads		Parks
	Highway Ramps		